REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Information Disclosure Statement (IDS)

Applicant respectfully requests that the references cited in the IDS filed concurrently with this reply be acknowledged and considered by the Examiner.

Drawings

Applicant respectfully requests the Examiner acknowledge the formal drawings filed on October 23, 2001, and indicate whether they are acceptable.

Disposition of Claims

Claims 1-10 are pending in this patent application. Claims 1, 4, 7, and 9 are independent. The remaining claims depend, either directly or indirectly, on claims 1, 4, 7, and 9.

Claim Amendments

Claims 1, 3, 4, and 6-10 have been amended for clarification. No new matter has been introduced by way of these amendments as support for these amendments may be found, for example, in Figures 1-3 and paragraphs [0009], [0017], and [0018] of the published specification. Applicant respectfully asserts the amended claims do not require any further search.

Unasserted Prior Art

The Examiner asserts in the conclusion section of the Office Action dated June 30, 2006, that U.S. Patent No. 6,658,460 issued to Streetman et al. (hereinafter "Streetman") teaches enough to be sufficient for a 102/103 rejection. (*See*, Office Action dated June 30, 2006 at page 6). However, as the Examiner has not asserted Streetman to reject any claims in this action, Streetman should not be considered cited prior art. Accordingly, Applicant respectfully asserts that any future action rejecting the claims of this application citing Streetman should not be considered final. (*See,* MPEP § 706.07(a)).

Rejections under 35 U.S.C. § 112

Claims 1-10 stand rejected under 35 U.S.C. § 112, paragraph 2, as being incomplete for omitting essential steps. By way of this reply, independent claims 1, 4, 7, and 9 have been amended to recite all essential steps in accordance with the Examiner's recommendations. Accordingly, Applicant respectfully asserts that amended independent claims 1, 4, 7, and 9 are in accordance with MPEP § 2172.01. Claims 2, 3, 5, 6, 8, and 10 depend, either directly or indirectly, from amended claims 1, 4, 7, and 9 and are also in accordance with MPEP § 2172.01 for at least the same reason. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection(s) under 35 U.S.C. § 102

Claims 1-10 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2002/243712 (hereinafter "Kwok"). For the reasons set forth below, this rejection is respectfully traversed.

Under 35 U.S.C. § 102, "[a] claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference [emphasis added]." MPEP § 2131. Applicant respectfully asserts that Kwok does not expressly or inherently describe each and every element of the independent claims. Independent claim 1 recites, in part:

> Making available to potential prospecting participants through a computer-based network *a first set of property information* for the identified property and *interest owner conditions* under which a potential prospecting participant submits a proposal for prospecting the property *including a compensation schedule* for the participant which has *at least two options for compensation* selectable by the participant and content requirements for the proposal for prospecting

(emphasis added). Independent claims 4, 7, and 9 have similar limitations. Applicant respectfully asserts that the independent claims explicitly require that both (*i*) a first set of property information and (*ii*) interest owner conditions are made available to potential prospecting participants. The independent claims also explicitly require that the interest owner conditions include, as a minimum, a compensation schedule for the participant with at least two options selectable by the participant.

The Examiner has associated industry data, as disclosed by Kwok, with property information, as recited by the amended independent claims. Further, the Examiner has associated a third party or user, as disclosed by Kwok, with a potential prospecting participant as recited by the independent claims. Further still, the Examiner has associated a customer, as disclosed by Kwok, with an interest owner, as recited by the independent claims. (*See,* Office Action June 30, 2006 at page 3). Even assuming that the mentioned associations are proper, the Examiner has failed to

associate any teaching by Kwok with the interest owner conditions as recited by the claims. In other words, the Examiner has effectively read out the interest owner conditions, which is wholly improper.

Applicant respectfully asserts Kwok is silent regarding interest owner conditions as recited in the independent claims. As discussed above, the interest owner conditions include, as a minimum, a compensation schedule for a participant (*i.e.,* third party or user) with at least two options selectable by the participant. Applicant acknowledges that Kwok discloses financial transactions between the customer (*i.e.,* interest owner) and a third party (*i.e.,* participant). (*See, e.g.,* Kwok at paragraphs [0026], [0027], and [0043]). However, the financial transaction disclosed by Kwok is not and cannot be equivalent to the compensation schedule, as recited in the claims, because Kwok does not contemplate at least two compensation options selectable by the participant.

In addition, the financial transaction disclosed by Kwok is executed as payment to the customer (*i.e.,* interest owner) from the third party (*i.e.,* participant) for access to the industry data, not as compensation to the participant from the interest owner, as recited by the independent claims. In essence, Kwok discloses a flow of money that is contrary to what is recited in the claims. Any attempt to equate the financial transaction disclosed by Kwok with the compensation schedule and multiple compensation options, as explicitly recited by the claims, is unrealistic and improper. The compensation schedule with at least two selectable options is sufficiently complex and distinct not to be anticipated by Kowk.

In view of the above, Kwok does not disclose each and every limitation of the independent claims. Accordingly, independent claims 1, 4, 7, and 9 are patentable over Kwok.

Claims 2, 3, 5, 6, 8, and 10, depend, either directly or indirectly, from claims 1, 4, 7, and 9 and are allowable for at least the same reason. Accordingly, withdrawal of this rejection under 35 U.S.C §102 is respectfully requested.

Independent claim 1 also recites, in part:

> Making available to potential prospecting participants through a computer-based network *a first set of property information... Receiving* by the interest owner through a computer based network *from a potential prospecting participant*, who has agreed to said interest owner conditions, *a proposal for prospecting the property...* Awarding rights to prospect the property to such potential prospecting participant if the proposal for prospecting is acceptable to the interest owner...Allowing the participant given the award to access through a computer-based network *an additional set of property information*

(emphasis added). Independent claims 4, 7, and 9 have similar limitations. Applicant respectfully asserts that the independent claims explicitly require property information be partitioned into a first set and an additional set. Further, Applicant respectfully asserts that a prospecting participant may only access the additional set of property information when the prospecting participant has submitted a proposal for prospecting the property acceptable to the interest owner.

As discussed above, the Examiner has associated industry data, as disclosed by Kwok, with property information, as recited by the independent claims. (*See*, Office Action dated June 30, 2006 at page 3). Applicant acknowledges that the industry data disclosed by Kwok may be associated with one or more security levels, and that a user's (*i.e.*, a participant's) access to the industry data depends on the security level associated with the user. (*See, e.g.*, Kwok at paragraphs [0033] and [0043]). However, even assuming that the mentioned association is proper, Applicant

respectfully asserts that Kwok fails to disclose at least granting access to the additional property information based on an acceptable proposal for prospecting the property, as recited by the independent claims.

Applicant acknowledges that Kwok discloses granting access to industry data (*i.e.,* property information) based on system registration and/or a negotiable agreement between a third party (*i.e.,* a participant) and a system administrator (*i.e.,* an interest owner). (*See, e.g.,* Kwork at paragraphs [0033] and [0043]). However, Applicant asserts Kwok is completely silent regarding the system registration and/or negotiable agreement being even remotely related to a proposal for prospecting the property, as explicitly recited by the independent claims. The system registration and/or the negotiable instrument are not equivalent to the proposal for prospecting the property, and thus access to the addition property information (*i.e.,* industry data) is not based on said proposal, directly contracting what is explicitly recited in the claims.

In view of the above, Kwok does not disclose each and every limitation of the amended independent claims. Accordingly, independent claims 1, 4, 7, and 9 are patentable over Kwok. Claims 2, 3, 5, 6, 8, and 10, depend, either directly or indirectly, from amended claims 1, 4, 7, and 9 and are allowable for at least the same reason. Accordingly, withdrawal of this rejection under 35 U.S.C §102 is respectfully requested.

Rejection(s) under 35 U.S.C. § 103

Claims 1-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kwok. For the reasons set forth below, this rejection is respectfully traversed.

To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference "must teach or suggest all the claim limitations." (MPEP § 2143). Applicant submits that the Examiner has failed to present a *prima facie* case of obviousness.

As discussed above in regard to the rejections under 35 U.S.C. § 102(e), Applicant respectfully asserts Kowk does not teach or suggest each and every limitation of the independent claims. Specifically, as discussed above, Kowk does not teach or suggest the interest owner conditions and granting access to property information following the submission of an acceptable proposal to prospect the property. The Examiner asserts the Internet and confidentiality agreements are well known in the art. The Examiner further asserts it would have been obvious for a user to sign a confidentiality agreement to review data, and then said user to prepare a report to evaluate the risks associated with the prospecting property. (*See,* Office Action date June 30, 2006 at pages 5 and 6). As an initial note, to the extent that the Examiner is relying on personal knowledge that the claimed limitation is obvious, Applicant respectfully requests that the Examiner provide an affidavit of personal knowledge, pursuant to 37 C.F.R. § 1.104(d)(2), stating that feature claimed is

specifically known to those skilled in the art. Alternatively, Applicant requests that the Examiner cite appropriate prior art disclosing this limitation.

On a secondary note, even assuming *arguendo* that the internet and confidentiality agreements are well known in the art, Applicant respectfully asserts that both the internet and confidentiality agreements do not teach or suggest what Kwok lacks. Accordingly, for at least these reasons, Applicants submit that neither Kwok nor the Examiner's assertions teach or suggest each and every limitation of independent claims 1, 4, 7, and 9. Accordingly, the Examiner has failed to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a). Thus, independent claims 1, 4, 7, and 9 are patentable over Kwok and what is purportedly known in the art. Claims 2, 3, 5, 6, 8, and 10 depend, either directly or indirectly, from claims 1, 4, 7, and 9 and are allowable for at least the same reason. Accordingly, withdrawal of this rejection under 35 U.S.C §103 is respectfully requested.

Conclusion

Applicants respectfully request that a timely Notice of Allowance be issued in this case. Applicants believe this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or her associates at the telephone number listed below.

This paper is submitted in response to the Office Action dated June 30, 2006, for which the three-month date for response is September 30, 2006. Accordingly, a two-month extension of time is required and being submitted concurrently with this response. Please apply any charges not covered, or any credits, to Deposit Account 07-1078 (Reference Number 09469/070001; 94.0046).

Dated: November 29, 2006

Respectfully submitted,

By _____

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